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Art Unit:3637 AUG 12 2003

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Appn. Number: 09/396,128

Filing Date: 09/14/99

Applicant: Thompson, Thomas C.

Appn. Title: Hurricane-Earthquake Frieze Plate

Examiner: Tran, Hanh V.

Faxed August 13, 2003

**RENEWED PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181**

Commissioner for Patents

P.O. Box 1450

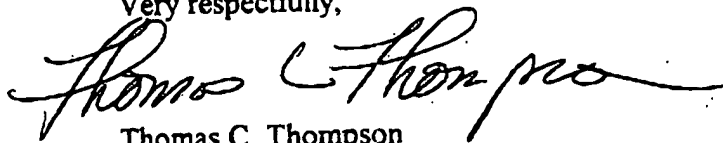
Alexandria, VA 22313-1450

Sir:

In response to the Decision on Petition to Withdraw the Holding of Abandonment, mailed 07/29/03,
I have included in this response the following:

1. Response to why the application should not be abandoned.
2. Certificate of faxing.

Very respectfully,



Thomas C. Thompson

RESPONSE

1. The applicant respectfully requests that application 09/396,128 not be abandoned for the following reasons: The applicant's response to the examiner's 06/26/02 was mailed one month late, on 10/26/02. The response, including a check for one month extension was received by the PTO on 11/04/02. Copies of the canceled check, certificate of mailing, and postcard from the PTO, was sent by the applicant to the PTO on 03/31/03. The problem, according to Special Programs Examiner Dorner, is that a fee for excess claims was not included with the applicant's 10/26/02 response.
2. The applicant respectfully replies that there were no excess claims in the 10/26/02 response. The applicant responded to the examiner's comments and included the corrections on the marked-up copy of claims 12-31, shown under "Amended Claims" on pages 11-14 of the applicant's 10/26/02 response. There are 20 claims in the marked-up claims including two independent claims (12 and 26).
3. The applicant was requested by the examiner, in the 06/26/02 Office Action, to renumber the claims. The applicant respectfully requested renumbering the claims on the cover page and on page 2 of the applicant's 10/26/02 response. Since the applicant had to answer and respond to the examiner's comments, the claim numbers were not changed on the marked-up copy of the amended claims, so the examiner could see that all of his comments were addressed. On the clean copy of the claims, under "Clean Copy of Amended Claims with Corrected Claim Numbering" pages 15-18 of the 10/26/02 response, the claims have been renumbered from 12-31 to 20-39. The same 20 claims, including two independent claims (20 and 34). Since the examiner sought renumbering, and the applicant requested renumbering on the cover page and first page of the response, and no new claims were added, and it was only 20 claims with two independent claims, the applicant respectfully requests that the abandonment be withdrawn, since an excess claim fee would not be required in the 10/26/02 response. The applicant followed all of the examiner's comments in the applicant's 10/26/02 response, so the response is timely and proper.

4. **Certificate of faxing:**

I hereby certify that this correspondence is being faxed to the Patent Technology Center

3600, at fax number (703) 605-0586

on Aug 13 2003
(Date)

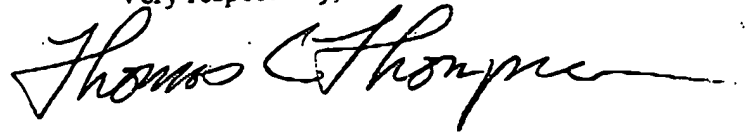
Typed name of person signing this certificate:

Thomas C. Thompson

Signature:



Very respectfully,



Thomas C. Thompson

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